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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 09/873,801 06/04/2001 Terrence G. Vargo 013.00061 2865 7590 12/14/2004 EXAMINER PETER ROGALSKYJ, ESQ. YAO, SAMCHUAN CUA ROGALSKYJ & WEYAND, LLP ART UNIT PAPER NUMBER P.O. BOX 44 LIVONIA, NY 14487-0044 1733

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment  O9/873,801  Examiner  Sam Chuan C. Yao  1733  The MAILING DATE of this communication appears on the cover sheet with the correspondence address  This application is abandoned in view of:  1. Applicant's failure to timely file a proper reply to the Office letter mailed on 24 September 2003.		Application No.	Applicant(s)	
Examiner  Sam Chuan C. Yao  1733  The MAILING DATE of this communication appears on the cover sheet with the correspondence address- This application is abandoned in view of:	Notice of Abandonment	09/873 801	VARGO ET AL	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address This application is abandoned in view of:				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address This application is abandoned in view of:		Sam Chuan C Vao	1722	
This application is abandoned in view of:	The MAILING DATE of this communication			
1. Applicant's failure to timely file a proper reply to the Office letter mailed on 24 September 2003			·	
(a) A reply was received on (with a Certificate of Mailing or Transmission dated ), which is after the expiration period for reply (including a total extension of time of month(s)) which expired on  (b) A proposed reply was received on, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rej	<ul> <li>A reply was received on (with a Certificate period for reply (including a total extension of time</li> </ul>	e of Mailing or Transmission date e of month(s)) which expi	d), which is after the expiration ored on	
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).	(A proper reply under 37 CFR 1.113 to a final rejection application in condition for allowance; (2) a timely	ection consists only of: (1) a time y filed Notice of Appeal (with appe	v filed amendment which places the	ection.
(c) A reply was received on but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the notifinal rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).	c) $\square$ A reply was received on but it does not co	enstitute a proper reply, or a bona	fide attempt at a proper reply, to the not	n-
(d) ⊠ No reply has been received.		1		
<ul> <li>2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three m from the mailing date of the Notice of Allowance (PTOL-85).</li> <li>(a) The issue fee and publication fee, if applicable, was received on (with a Certificate of Mailing or Transmission), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the No Allowance (PTOL-85).</li> </ul>	rrom the mailing date of the Notice of Allowance (PTo a) ☐ The issue fee and publication fee, if applicable, ), which is after the expiration of the statute	OL-85). , was received on        (with a	Certificate of Mailing or Transmission	dated
(b) ☐ The submitted fee of \$ is insufficient. A balance of \$ is due.	,	lance of \$ is due		
The issue fee required by 37 CFR 1.18 is \$ The publication fee, if required by 37 CFR 1.18(d), is \$		<del>-</del>	d by 37 CED 1 19(d) in f	
(c) ☐ The issue fee and publication fee, if applicable, has not been received.			a by 37 CFK 1.10(d), 15 \$	
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).	Applicant's failure to timely file corrected drawings as Allowability (PTO-37).	required by, and within the three	month period set in, the Notice of	
(a) ☐ Proposed corrected drawings were received on (with a Certificate of Mailing or Transmission dated), which after the expiration of the period for reply.	<ul> <li>Proposed corrected drawings were received on _ after the expiration of the period for reply.</li> </ul>	(with a Certificate of Mailing	or Transmission dated), which is	s
(b) ☐ No corrected drawings have been received.	) No corrected drawings have been received.			
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or a the applicants.	The letter of express abandonment which is signed b the applicants.	y the attorney or agent of record,	the assignee of the entire interest, or all	l of
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFF 1.34(a)) upon the filing of a continuing application.	The letter of express abandonment which is signed b 1.34(a)) upon the filing of a continuing application.	y an attorney or agent (acting in	a representative capacity under 37 CFR	1 <b>6</b>
6. The decision by the Board of Patent Appeals and Interference rendered on and because the period for seeking court r of the decision has expired and there are no allowed claims.	The decision by the Board of Patent Appeals and Inte of the decision has expired and there are no allowed	erference rendered on and claims.	because the period for seeking court re	view
7. The reason(s) below:	The reason(s) below:			
Sam Chuan C. Yao Primary Examiner Art Unit: 1733			Primary Examiner	
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed minimize any negative effects on patent term.	nize any negative effects on patent term.	hdraw the holding of abandonment u	nder 37 CFR 1.181, should be promptly filed	to
U.S. Patent and Trademark Office	ent and Trademark Office	ice of Abandonment	Part of Paper No. 200412	 210